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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

THIS DOCUMENT APPLIES TO  
PLAINTIFF(S): CAROLYN MOODY,  
INDIVIDUALLY, AND AS THE  
SUCCESSOR-IN-INTEREST OF THE  
ESTATE OF MICHAEL MOODY,  
DECEASED

Plaintiffs

v.

☐ AMYLIN PHARMACEUTICALS, LLC,  
☐ ELI LILLY AND COMPANY,  
☒ MERCK SHARP & DOHME CORP.,  
☐ NOVO NORDISK INC.,

(Check all the above that apply)

Defendants

Pertains To Civil Action No.:

In Re: Incretin-Based Therapies  
Products Liability Litigation

**MDL NO. 2452**

**SHORT FORM COMPLAINT  
FOR DAMAGES**

Case No.: 13md2452 AJB(MDD)

1                                    **SHORT FORM COMPLAINT FOR DAMAGES**

2            COMES NOW the Plaintiff(s) named herein, and for Complaint against the  
3 Defendants named herein, incorporates and fully adopts the Master Form Complaint  
4 (the “Master Complaint”) in MDL No. 2452 by reference. Plaintiff(s) further shows  
5 the Court as follows:

6                                    **JURISDICTION AND VENUE**

7            1.        Jurisdiction in this Complaint is based on:

8                                    ☒ Diversity of Citizenship

9                                    ☐ Other (As set forth below, the basis of any additional ground for  
10 jurisdiction must be pleaded in sufficient detail as required by the  
11 applicable Federal Rules of Civil Procedure):

12                                    \_\_\_\_\_.

13            2.        District Court and Division in which you might have otherwise filed  
14 absent the direct filing order entered by this Court: United States District Court,  
15 Eastern District of California (Fresno Division)

16            3.        Plaintiff(s) further adopts the allegations contained in the following  
17 paragraphs of the Jurisdiction and Venue section of the Master Complaint:

18                                    ☒ Paragraph 10;

19                                    ☒ Paragraph 11;

20                                    ☒ Paragraph 12;

21                                    ☒ Paragraph 13;

22                                    ☒ Paragraph 14;

23                                    ☒ Paragraph 15; and/or

24                                    ☐ Other allegations as to jurisdiction and venue (Plead in sufficient detail  
25 in numbered paragraphs (numbered to begin with 3(a)) as required by the  
26 applicable Federal Rules of Civil Procedure): \_\_\_\_\_

27                                    \_\_\_\_\_.

28                                    **PLAINTIFF/INJURED PARTY INFORMATION**

1           4.     Injured/Deceased Party's Name: Michael Moody (the "Injured Party").

2           5.     Any injury (or injuries) suffered by the Injured Party in addition to  
3 those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to  
4 have been caused by the drug(s) ingested as set forth below (put "None" if  
5 applicable): None.

6           6.     Injured Party's spouse or other party making loss of consortium claim:  
7 \_\_\_\_\_.

8           7.     Other Plaintiff(s) and capacity, if Injured Party is deceased or  
9 otherwise incapacitated (i.e., administrator, executor, guardian, representative,  
10 conservator, successor in interest): Carolyn Moody, Successor-in-Interest of the  
11 Estate

12           8.     City(ies) and State(s) of residence of Injured Party at time of ingestion  
13 of the Drug(s): Madera, CA.

14           9.     City and State of residence of Injured Party at time of pancreatic  
15 cancer diagnosis (if different from above): \_\_\_\_\_.

16           10.    City and State of residence of Injured Party at time of diagnosis of  
17 other Injury(ies) alleged in Paragraph 5 (if different from above): \_\_\_\_\_.

18           11.    If applicable, City and State of current residence of Injured Party (if  
19 different from above): \_\_\_\_\_.

20           12.    If applicable, City and State of residence of Injured Party at time of  
21 death (if different from above): \_\_\_\_\_.

22           13.    If applicable, City and State of current residence of each Plaintiff,  
23 including any Consortium and or other Plaintiff(s) (i.e., administrator, executor,  
24 guardian, representative, conservator, successor in interest): Madera, CA.

25           14.    Check box(es) of product(s) (the "Drugs") for which you are making  
26 claims in this Complaint:

27                   ☐ Byetta. Dates of use: \_\_\_\_\_.

28                   ☒ Januvia. Dates of use: 4/16/2012 – 4/17/2013.

☐ Janumet. Dates of use: \_\_\_\_\_.

☐ Victoza. Dates of use: \_\_\_\_\_.

15. Date of pancreatic cancer diagnosis: 5/10/2013.

16. If applicable, date of other injuries alleged in Paragraph 5: \_\_\_\_\_.

17. If applicable, date of death: 6/25/2013

DEFENDANTS NAMED HEREIN

(Check Defendants against whom Complaint is made)

☐ Amylin Pharmaceuticals, LLC

☐ Eli Lilly and Company

☒ Merck Sharp & Dohme Corp.

☐ Novo Nordisk Inc.

CAUSES OF ACTION

(Counts in the Master Complaint brought by Plaintiff(s))

☒ Count I – Strict Liability – Failure to Warn

☒ Count II – Strict Liability – Design Defect

☒ Count III – Negligence

☒ Count IV – Breach of Implied Warranty

☒ Count V – Breach of Express Warranty

☒ Count VI – Punitive Damages

☐ Count VII – Loss of Consortium

☒ Count VIII – Wrongful Death

☒ Count IX – Survival Action

☐ Other Count(s): \_\_\_\_\_

Plead factual and legal basis for any Other Count(s) in separately numbered Paragraphs (beginning with Paragraph 18) that provide sufficient information

1 and detail to comply with the applicable Federal Rules of Civil Procedure.

2  
3  
4 PRAYER FOR RELIEF AND, AS APPLICABLE,  
5 PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

6 WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master  
7 Complaint filed in MDL No. 2452.

8 JURY DEMAND

9 Plaintiff(s) hereby ☒ demands ☐ **does not** demand a trial by jury on all  
10 issues so triable.

11 Dated: July 18, 2014

12 RESPECTFULLY SUBMITTED,

13  
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